



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,495	12/12/2005	Claus-Markus Pfeffer	502901-355PUS	4548
27799 7590 02/17/2011 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER				
LAUGHLIN, NATHAN L				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
02/17/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,495

**Applicant(s)**

PFEFFER, CLAUD-MARKUS

**Examiner**

NATHAN LAUGHLIN

**Art Unit**

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-16, 18,21-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-16, 18,21-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 12-13-10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the amendments filed on 4-19-10.

Claims 1, 3-7,9-16, 18,21-28 and 30-38 are pending.

Claims 1, 3-7,9-16, 18,21-28 and 30-38 are rejected below.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-19-10 has been entered.

### ***Claim Objections***

2. Claims 4 and 16 are objected to because of the following informalities: Claims 4 and claim 16 contain acronyms that are not defined in the claims. Although these acronyms are commonly used (LAN - Local Area Network, SMS – Short Message Service) Examiner would appreciate that Applicant include the spelled out names within the claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3-7, 9-18, 21-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (U.S. PG Pub. 2003/0122679) in view of Young (U.S. Pat. 5,801,634) in further view of Kurihara (U.S. PG Pub. 6697695).

Matsushima teaches:

As to claims 1, 7, 13, 28, a fault message system, comprising:

a plurality of spatially distributed production units (fig. 6, elements 12a-12-c), each production unit comprising means for generating and indicating fault signals, each production unit being associated with a transmitting unit configured to transmit the fault signals [0031-0032], two or more of said production units being arranged to form a plurality of groups of production units (fig. 6);

a fault alarm box configured to receive the fault signals and forward fault messages (fig. 3 element 52);

a process computer configured to receive the fault messages from the fault alarm box (fig. 6 elements 64, 66 or 68); and

a plurality of stationary data receiving units configured for transmitting the fault signals to the fault alarm box (fig. 4 fig. 3 element 32), each of the plurality of stationary data

receiving units comprising a lamp (element 20) each of the plurality of stationary data receiving units being configured to receive the fault signals from one of the plurality of groups of production units and to indicate the fault signals (fig. 2), the lamp being configured for visually displaying the fault signals (fig. 2)[0030].

The Examiner notes that claims 7, 13, and 28 have similar limitations, therefore, the citations and rational are similar.

As to claim 3, wherein the fault alarm box is connected to the process computer via a network connection (fig. 6).

As to claim 4, wherein the network connection is a LAN connection (fig. 6).

As to claim 5, wherein the process computer is connected to other computers via a second network (fig. 6).

As to claim 6, wherein the fault alarm box comprises a data editing unit [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs to be modified to send to one or the other or both.

As to claim 9, wherein the fault signals of the production units are edited in the fault alarm box for conversion into fault messages [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs

to be modified to send to one or the other or both.

As to claim 12, wherein the fault message is supplied to the process computer at a different time than the fault message is supplied to said data receiving devices (fig. 6). Since the data is sent through the fault box (52) it must be sent to the other computers (64, 66, and 68) at some other time.

As to claim 14, further comprising a receiving device for receiving the fault message from said fault alarm (fig. 6).

As to claim 15, wherein the receiving device is a mobile telephone (fig. 6, 8 [0038]).

As to claim 16, wherein said fault message is sent in as an SMS message [0038, 0039, 0041]. Matsushima teaches data is sent using a phone and via e-mail. Therefore, it is clear to one of ordinary skill in the art that SMS does not deviate enough from the concepts of Matsushima to be non-obvious.

As to claim 21, wherein said production units are spatially separated (fig. 6).

As to claim 23, wherein said process computer is configured to document and evaluate fault messages from said fault alarm [0039]. The computer stores the data and

determines which e-mail message to send based on the alarm.

As to claim 24, wherein said process computer is connected to said fault alarm via a network connection (fig. 6).

As to claim 25, wherein said fault alarm has a data editing means for determining when to send the fault message from said fault alarm [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs to be modified to send to one or the other or both.

As to claim 33, wherein said first fault message is sent to the data receiving device and the process computer at different time intervals (fig. 6). Since the data is sent through the fault box (52) it must be sent to the other computers (64, 66, and 68) at some other time.

As to claim 34, wherein the fault alarm box is connected to a plurality of stationary data receiving units (fig. 6).

As to claim 37, wherein the fault alarm is connected to a plurality of stationary data receiving units (fig. 6).

Matsushima teaches most of the claimed invention, however, Matsushima fails to teach that the monitor (receiving unit) and lamp are separate entities not connected to the fabrication unit as described in claims 1, 7, 13, and 28. However, to one of ordinary skill in the art this is an obvious variation. One of ordinary skill in the art would realize that the light tower could be a separate entity allowing the light tower to be placed visible to a production floor. Also, Young teaches his aspect as follows:

Young teaches that the monitoring controller can be separate and include a light tower (fig. 1) (col. 3 line 61- col. 4 line 41). Furthermore, Kurihara also teaches that the monitor can be remotely placed from the fabrication unit which will be discussed below.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was created to include the teachings of Young into the system and methods as disclosed by Matsushima. The motivation to combine is that Young teaches a light tower can be above a fabrication unit where it is remotely visible so that corrective action can be initiated more timely (col. 1 lines 34-40).

Matsushima in view of Young teaches a fabrication and monitoring system in which a light tower can be remotely located. However, neither Matsushima or Young teach all the limitations of claims 1, 7, 10, 11, 13, 18, 26-28, 30-32, 35, 36, and 38.

However, Kurihara teaches:



As to claims 1, 7, 13, 28 a group of multiple units can be monitored by a single monitor (fig. 23).

As to claims 10, 26, 30, wherein a fault signal is only converted into a fault message in the fault alarm box when it is present for a predetermined period of time (col. 16 line 49- col. 17 line 12).

As to claims 11, 27, 31, wherein a fault signal is only converted into a fault message in the fault alarm box when a particular period of time has elapsed since the last presence of the previous fault signal (col. 16 line 49-col. 17 line 12).

As to claim 18, wherein each group is comprised of production units of an individual production line (fig. 22-23).

As to claim 32, further comprising sending a second fault message from said fault alarm in response to a second fault signal received after sending said first fault message, wherein said second fault message is sent only if a predetermined period of time has elapsed following the end of said first fault signal (col. 16 line 49- col. 17 line 12).

As to claim 35, wherein the fault alarm box determines whether a fault signal should result in the issuance of a fault message (col. 19 lines 57-60).

As to claim 36, wherein each data receiving unit is connected to more than one of the plurality of production units (fig. 22-23).

As to claim 38, wherein each data receiving unit is connected to more than one of the plurality of production units (fig. 22-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was created to include the teachings of Kurihara into the system and methods as disclosed by Matsushima further modified by Young. The motivation to do so is that Kurihara teaches that documenting an event (warning or error) can allow for data to be accurately and periodically obtained.

Furthermore, as to claims 1, 7, 22, 28, 36, and 38 Examiner notes that using wirelessly for connecting data units is extremely well known and includes many incentives for doing so. Motivation to use wireless is that it can reduce the cost of a network, reduce space taken by cables, and allow multiple units to connect to other units without direct cabling to each of the units.

### ***Response to Arguments***

5. Applicant's arguments filed 4-19-10 have been fully considered but they are not persuasive.

Applicant argues that Matsushima's fabrication units are not arranged into a plurality of groups of productions units where a respective one of the plurality of groups of production units is associated with a respective one of the plurality of stationary. Claim 1 states that "two or more of said production units beings arranged **to form** a plurality of groups of production units" (lines 5-6). That is, two units are a plurality of groups, which means that each group is a single unit and each of those production units have a associated with a respective one of a plurality of stationary data receiving units, This can be seen in figs. 3 and 4 and corresponding paragraphs in the reference. The fact that Matsushimai is connected by a wired backbone has no relevance. On page 12, Applicant seems to be arguing that combination lacks a plurality of station data receiving units are configured to transmit faults. Examiner disagrees; this can be seen in fig. 3. Each receiving unit (element 32) transmits a signal to the PC via element 44. This data is then used to send to other computers (fig. 6).

Applicant goes on to argue that a stationary unit can receive faults for multiple units. Assuming that Applicant is arguing that each group has multiple units, which is not what claim 1 states, this is still obvious by the combination. Matsushima may teach that each unit has a receiving unit; however, having multiple production units monitored by a single monitoring unit is an obvious variation is taught by Kurihara in fig. 17. As can be seen multiple fabrication units (60 and 60A) are monitored by element 20. Furthermore, it's clear that other monitors exist and can also have groups of fabrication units. Applicant admits that Kurihara is provided to teach that multiple units can be monitored by a single monitor, then goes on to state that Kurihara is silent with the

respect to two or more production units arranged to form a plurality of group of product units, where a respective one of the plurality of production units is associated with a respective one of the plurality of stations data receiving units. Examiner disagrees, even assuming that each groups has more that one unit, which is not what is actually claimed in claim 1, Kurihara still teaches this limitation as explained above.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN LAUGHLIN whose telephone number is (571)270-1042. The examiner can normally be reached on M - F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/560,495  
Art Unit: 2123

Page 12

/Nate Laughlin/  
Examiner, Art Unit 2123

/KIDEST BAHTA/

Primary Examiner, Art Unit 2123